

**Minutes of the Regular Meeting of the Board of Managers
Of the Two Rivers Watershed District
Held: September 3, 2020 @ 8:00 a.m.**

The Board of Managers of the Two River Watershed District held their annual budget hearing followed by their regular monthly meeting beginning at 8:00 a.m. on Thursday September 3, 2020. Due to the ongoing COVID-19 pandemic the meeting was held in the upstairs meeting room of the Kittson County Courthouse in Hallock, MN with social distancing guidelines in place. The meeting was also held via “GoTo Meeting” to allow for the public to attend electronically either by phone or by computer.

Managers present included President Paul Olsonawski, Secretary Daryl Klegstad, Bruce Anderson, Rick Sikorski, and Scott Klein. Vice President Roger Anderson and Treasurer Joel Muir were absent.

Others present included District Administrator Dan Money, Head Technician Matt Thompson, Attorney Jeff Hane and Kaitlyn Bjornson (Brink, Sobolik, Severson, Malm & Albright, P.A.), Engineer Jake Huwe (HDR Engineering), Engineer Blake Carlson (WSN Engineering), Kurt Kraulik, Noah Weleski, Lori Bothum, and Tom Green.

Shawn Beauclair participated electronically via GoTo Meeting.

The meeting was called to order by President Olsonawski. Olsonawski then called for any additions or corrections to the proposed meeting agenda and the regular meeting minutes from August 6, 2020. Today’s meeting agenda and the minutes of the August 6, 2020 regular meeting were approved upon a **motion** by Klegstad, **second** by Klein, and **unanimous vote** of the Managers.

Annual Budget Hearing:

The annual budget hearing was called to order at 8:05 a.m. by President Olsonawski. It was noted the hearing is being held according to law and that notice of the hearing has been published in local newspapers and posted at the TRWD office.

Administrator Money presented the proposed 2021 general fund budget. Items in the budget were discussed line by line by the Board of Managers. The proposed budget of \$244,880 was approved and the levy amount for 2021 was set at \$250,000 upon a **motion** by Sikorski, **second** by B. Anderson, and **unanimous vote** of the Managers. The District Administrator was directed to certify the levy amounts to the respective Auditors of Kittson, Roseau, and Marshall Counties.

The 2021 Red River Watershed Management Board previously set its annual levy at 75% of the maximum allowed under law. For lands within the TRWD, the levy will be \$562,357. Under law, ½ of this amount is paid to the TRWD and ½ is sent to the RRWMB.

The Board of Managers considered 2021 tax levies for legal ditches and projects for which it is the ditch authority. A **motion** was made by Klegstad, **seconded** by Sikorkski, and **approved unanimously** to accept the proposed ditch levies and outlet fees. The following table lists the ditches and projects and their respective levies and outlet fees.

Ditch / Project	2021 Certified Levy
KCD 7	\$5,000
KCD 10	\$14,000
KCD 21	\$80,000 (\$25,000 for Div. 1; \$55,000 KCD 21)
SD 49	0
SD 85 Improvement	0
JD 3	0
JD 10	\$6,500
RCD 4	\$5,000

Middle Branch Prj	\$12,000
North Branch Prj	\$10,000
Soler 4	0
Dewey 5 Improvement	0
Kennedy 6	\$5,000
Springbrook 10	\$20,000

Outlet fees: The City of Karlstad is charged an outlet fee \$1,500 to be deposited in the Kittson County Ditch #10 fund. Kittson County Ditch #10 is charged an outlet fee of \$5,100 to be deposited into the Springbrook #10 fund. Springbrook #10 is charged an outlet fee of \$7,800 to be deposited in the Judicial Ditch #10 fund.

The Budget Hearing was closed at 8:45 a.m.

Appeal Hearing:

Beginning at 8:50 a.m., an appeal hearing was held with regard to the appeal by Roy Frame of the decision to deny permit application number 2020-21. This hearing is a continuation of the hearing that was originally scheduled and heard on August 6, 2020.

Appearing at the hearing were Roy Frame, Roland Larter, Dan Lyberg, Gerald Karol, Leon Olson, Blake Weleski, Bruce Weleski, Arnold Frame, and Cody Schmalz.

Attorney Jeff Hane gave an introduction to the hearing, describing the reason for the hearing, the format of the hearing including the taking of testimony, and conduct at the hearing.

Technician Matt Thompson provided a brief background of the issues. He noted that the permit application had been received and reviewed by the District's permit committee. Information on the review process and data collection was provided and noted as to how it figured into the decision to deny the application. Additional survey information has been collected and it was presented. The data shows that to accomplish the drainage that is requested, a 5 foot cut through a ridge would be needed.

Engineer Blake Carlson mentioned that cutting a ridge may not be prudent and that maintenance of existing watercourses could be the first course of action. If the maintenance solves or addresses the problem, then the cut in the ridge would not be necessary. If maintenance was done an time given to see if it alleviates the problem, a re-assessment could be done at a later date.

Three questions from the hearing held last month were brought up:

1. Is there an adequate outlet for the proposed project? Carlson indicated that there are concerns that the project would bring water to KCD 14 much faster than it currently gets there, and this could potentially cause a problem. A 5 foot cut would most likely present erosion problems.
2. Is there adequate capacity in the south road ditch of CSAH #4? It is unclear based upon the permit application as to the depth of the cut being proposed and to the amount of water that would be sent west into the road ditch. More information would be needed from the applicant.
3. Is the land to be improved in the KCD 14 ditch benefitted area? A map showing the benefitted area was viewed. The KCD 14 benefitted area south of CSAH #4 was shown to include section 26, but not section 25. Therefore, any proposed project would not be able to drain any water from east of section 26.

Gerald Karol commented that in 2004 a hearing was held regarding placing a block in KCD 14 and the request was denied. He questioned if there is a block on JD 32 on lands adjacent to DNR land that we don't know about.

Bruce Weleski commented on local conditions. He had heard from a local landowner who was seeding a food plot that the area is extremely wet and water was flowing in areas that it normally does not. He stated that water should run west as it has a hard time flowing north.

Roland Larter objected to a diversion that would cut the ridge. He stated he owns land near KCD 14. The ditch works good as is but if water were diverted he believes he would be negatively impacted by flooding. He provided lidar and elevation data from the county road plans. He proposed an alternative solution to increase the size of the center line culvert flowing north through CSAH 4 and allowing water to enter the large wetland north of the road. He stated that the natural flow of the water in that area is to the northwest.

The Board of Managers deliberated the matter, considering all evidence and testimony that has been presented. Upon a motion by Sikorski, second by B. Anderson and unanimously approved, it was decided that the permit application is denied. The following findings of fact were made:

- The area to be drained was partially within an area that is not within the KCD 14 benefitted area, therefore that land cannot be drained to KCD 14.
- The application did not contain enough specific information on the proposed ditch grade and culvert elevations.
- There are concerns that granting the application would result in increased erosion along the downstream watercourses.
- Kittson County Ditch #14 needs to be studied to determine if it is an adequate outlet and could handle the increased flows that would come from the diverted water.

It was decided that a new permit application would be accepted, however sufficient information must be submitted with exact plans and specifications detailing the work to be done.

The appeal hearing was adjourned and the regular meeting called to order at 10:30 a.m.

Treasurer's Report:

Money presented the treasurer's report including the fund balances, accounts listing, and deposit detail. It was noted that checks written for the month include check numbers 9167 through 9189 and electronic funds transfers to PERA, MN Dept. of Revenue, and Electronic Federal Tax Payment System, as reported and contained within the report.

The treasurer's report was then approved upon a **motion** by Klegstad, a **second** by Sikorski, and a **unanimous vote** by the Board.

City of Karlstad:

Mayor Dale Nelson addressed the Board of Managers regarding excessive water and flooding issues in the City. He stated the City is affected by overflows from the nearby Twistal Swamp, located on a State Wildlife Management Area that is maintained by the DNR. The City has held discussion with both the DNR and the TRWD in the past. One solution that would help would be to allow the City to pump water from the impacted area into Kittson County Ditch #10. The area currently does not drain to KCD 10 and is not in the benefitted area. Therefore, under ditch law the City must petition to the watershed district in order to use the ditch as an outlet for the municipality. Nelson stated that a petition would be forthcoming.

Another issue is the high water in and around the Twin Lakes and Twistal Swamp on the WMA. It was suggested that a Project Work Team be formed to meet 3-4 times, discuss the problems and what alternatives could be done to address the problems. The Board of Managers appointed the following project team members: Daryl Klegstad, Roger Anderson, Dan Money, Dale Nelson, Corey Wikstrom, Wayne Ruud, Jason Wollin, Blake Carlson. Others may be added at a later date as deemed necessary. Money was instructed to contact everyone and schedule the first meeting.

KCD #7:

Kurt Kraulik was in attendance to discuss with the Board of Managers a potential project to improve Kittson County Ditch #7. This was discussed at the August meeting, and engineer Blake Carlson was asked for a cost estimate to determine the adequacy of the outlet. Carlson presented his detailed estimate of \$10,900. Kraulik inquired about who would pay this, and in general it is up to the petitioners of the project to put up a bond of at least \$10,000 to cover the expenses. Discussion was held whether there were other ways instead of the petitioner's bond. Attorney J. Hane discussed there are 3 options: 1) file petition and bond, 2) hold a hearing and invite anyone who currently pays benefits to KCD 7. A finding could possibly be made to use ditch funds after holding the hearing, 3) TRWD could consider using general fund money. If the Board makes a finding that there is a greater public purpose and the project is of general benefit to the WD as a whole, then general fund money could be used.

Discussion was held and it was considered by the Board that it would be best if a petition were filed along with a bond. Kraulik will discuss with the landowners to follow the procedure under MN Statute 103E. Because of the estimate provided and the potential costs, a **motion** was made by Klegstad, **seconded** by B. Anderson, and **unanimously approved** to set the bond amount at a minimum \$25,000.

Administrator's Report:

District Administrator Money gave a report on the following and distributed a handout:

Legal Ditch Report:

- Ditch spraying by helicopter for 2020 was completed. It was noted that in addition to spraying on the Springbrook #10 project, mechanical removal of brush is needed. The Board approved and directed staff to hire the work done.
- Work has been completed to repair erosion and sloughing on JD 10 Branch B and KCD #7. Work is pending at 3 locations on the North Branch Project.
- Sediment removal and cleanout on KCD 21 is still pending and was hampered by summer flooding. The contractor is awaiting to do the work on about 8,000 feet of ditch.
 - o Discussion was held on whether to do work on 3 more miles of the ditch. A survey was done showing the sediment removal is needed however the ditch fund balance is too low to hire it done at this time. The Board has levied funds to be paid in 2021, and the Board decided to only do 8,000 feet in 2020 and take the matter up again in 2021.
 - o A bill was received from Justin Osowski for spraying cattail on the ditch. Osowski did not seek permission to do this work prior to doing it, and the policy of the District is that landowners do not spray any TRWD ditches on their own. Rather, the District will inspect the ditches annually and make a determination on the need for spraying and hire it done. The funding request was denied by the Board.
- JD 3 side water inlet project update was given – two landowners so far have approved the project, and attempts are being made to contact the remaining landowners. Once the landowners agree, approximately 20 side water inlets will be installed.
- There is a need to consider a redetermination of benefits on Roseau County Ditch #4. A landowner has applied for a permit to do improvements to land draining to the ditch, however they are not in the benefitted area. A review of the benefitted area shows several discrepancies. Upon a **motion** by Olsonawski, **second** by Klein and **unanimous vote** it was decided to begin the process of redetermination of benefits to RCD 4. The Board made the following findings of fact:

- The Managers determined that the benefits or damages of record determined in the drainage proceeding for Roseau County Ditch #4 do not reflect reasonable present-day land values and that the benefited or damaged areas have changed

The District Administrator was directed to begin the search for 3 disinterested viewers in order to determine the updated benefits and damages and report back at the October meeting.

Program Report:

One Watershed One Plan: An update was handed out. Section 5 has been drafted and copies were given to the Managers for review and comment. The steering team has been meeting about every other week and the Policy Committee will meet next October 15th to vote on sections 5 and 6.

October Meeting: The Managers discussed moving the October 1 meeting to September 30, 2020. Several members begin sugar beet harvest on October 1 and moving the meeting would avoid this conflict. The Board of Managers agreed to change the meeting to Wednesday September 30, 2020 beginning at 8:00 a.m.

Covid 19 Office Procedures: The TRWD presently rents office space in the Kittson County Courthouse. Recently Kittson County revised its Covid 19 courthouse protocols and made provisions for remaining open, remaining open but limiting public entrance, and remaining open but restricting the public from entering the building. Each level depends upon the current active cases of Covid in the county. The Managers decided to follow the county procedures for office operations.

Project Report:

Klondike Clean Water Retention Prj. #11:

- Engineering – Staff is working with HDR Engineering on a draft operating plan and seeking input from the MN DNR Fisheries and the MPCA. The plan will provide trigger point elevations for when to close and open the gate for both flood control and natural resources enhancement.
 - A revised RCPP benefit cost report was completed and submitted by HDR Engineering.
- Permitting – Houston Engineering is continuing its work on the wetland delineation report. This report will eventually be used to prepare wetland permit applications to the USCOE and the MN BWSR. Work on the EAW has not begun but will start after the wetland delineation report is done.
- Funding – Money applied for \$3.25 million to the Lessard Sams Outdoor Heritage Council. He gave a presentation to the Council and they will be deliberating and making decisions on proposals over the next month.

Permit Issues:

Permit Application 2020-43 Deerwood 4 Dike; divert water:

Tom Green was in attendance to speak in favor of the permit application. This is an after the fact permit application in which he has paid the permit fee. It was noted that because it was an after the fact permit, he had been required to breach the dike that was constructed and as of an inspection by staff on 9/2/20 it had not yet been breached. Green stated that as of today it has been breached.

Lori Bothum, a neighboring landowner, stated that she would prefer the dike be removed. She stated the dike is causing higher surface and groundwater levels at her residence and is affecting her drainfield.

Engineer Blake Carlson stated that there would be no effect to the neighboring lands if a requirement be made that the dike be at least ½ foot lower than the existing roadway for the entire length of dike and if the low spot in the road is filled in. Technically speaking, this would provide both protection to agricultural land and also prevent damages to the farmstead.

Upon a **motion** by Klein, **second** by Klegstad, and **unanimous vote**, the permit was approved with the conditions that the dike must be ½ foot below the elevation of the road, that the low spot in the road be filled in, and that the work be completed within one week.

The following findings of fact were made by the Board of Managers:

- 1) The dike that was constructed without a permit has caused immediate harm to the neighboring farmstead.
- 2) The approved dike criteria requirement of 6” lower than the road will not cause harm to the farmstead because the water will flow over the dike before water gets high enough to enter the farmstead.

S. Beauclair:

Shawn Beauclair addressed the Board electronically via GoTo Meeting. He stated that a permit violation may have taken place 2 years ago when a culvert elevation was changed and placed higher than the ditch grade. He asked that the potential violation be investigated and stated that he can provide written testimony from the contractor who did the work. TRWD staff will look into the matter and begin an investigation.

Hazelton Sect. 17:

Discussion was held regarding the permit violation of Ristad Farms, who had raised several hundred feet of a township road without a permit. The District has met with all affected landowners and has been told that an after the fact permit will be submitted with a project to mitigate the effects of the road raise. District staff need to collect survey data in order to analyze any application that will be submitted. After the fact fees were discussed and the Board of Managers indicated the base \$500 will be charged plus all accumulated inspection fees pertaining to staff, engineering consultation, and Board members. The total fee will be calculated and will be due prior to any action on the permit application.

Permits:

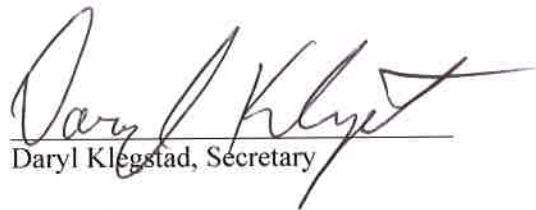
The Board acted on the following permits. The review and comments of the permit committee were carefully considered and taken into consideration. Any comments provided by members of the committee, road authorities, or affected landowners have been recorded and filed with the permit documentation in the District office. Conditions, if any, are listed on the permit sent to the individual.

<i>App. #</i>	<i>Applicant</i>	<i>Location</i>	<i>Purpose</i>	<i>Action</i>
2020-16	R. Johnson	Springbrook 3	Alter CR 61 meander	Tabled
2020-18	J. Weleski	Poppleton 17	¼ mi drainage ditch	Approved
	Motion Klein, Second Sikorski – approved ; condition 24” cmp at flow line elevation 921 msl Findings of Fact: 1) project provides flood control so larger culvert is approved 2) Determination is made that the outlet is adequate			
2020-25	Deerwood Twp	Deerwood 27	install gate on in place 36”	Tabled
	Condition discussed that a signed operating agreement is required and that Deerwood Township is named as the gate operator.			
2020-33	Brandon Kuznia	Polonia 25	Tile Drainage	Approved
	Approved by Committee			
2020-34	Brandon Kuznia	Polonia 36	Tile Drainage	Approved
	Approved by Committee			
2020-36	Julian Andrade	Jupiter 28	replace 18” w/24”	Approved

	Approved by Committee			
2020-37	Chad Spilde	Norway 34	Re-grade ditch & lower culvert	Tabled
2020-38	Springbrook Twp	Springbrook 9	impoundment	Tabled
2020-39	Nathan Kraulik	Springbrook 10	Tile Drainage	Tabled
2020-41	Bryce Evans	Dewey 13	Ditching; 3 culverts	Tabled
2020-44	Kevin Hanson	Teien 29	Tile Drainage	Approved
	Approved by Committee			
2020-45	Justin Dagen	Jupiter 28	Tile Drainage	Tabled
2020-46	Middle River Fm	Lind 36; East Pk 1&12	Drainage; Culverts	Tabled
2020-47	Ristad Farms	Hazelton 17	Remove field crossings	Tabled
2020-49	Hallock Township	Hallock 3	repair washout install larger clvt	
2020-50	Kittson Co. Hwy Dept	Mckinley 26	18" driveway; 18" road cl	Approved
	Approved by Committee			
2020-51	Nathan Johnson	Jupiter 28	Replace 18" cmp w/ 24"	Approved
	Approved by Committee			
2020-52	Terry Osowski	N Red River 36	36" road cl	Tabled
2020-53	Dean Carlson	Tegner 32-33	Ditching - surface drainage	Tabled

With no other matters to come before the Board of Managers, the meeting was adjourned.

Attest:


 Daryl Klegstad, Secretary


 Paul Olsonawski, President

